IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 4 OF 2005

S. Chokalingam ...Applicant

Versus

Kotak Mahindra Finance Ltd. ... Respondent

Mr. Subhash Jadhav instructed by M/s. Khaitan & Jayakar for the Applicant

Mr. Mahesh Menon for the Respondent.

CORAM: **DALVEER BHANDARI, C.J.**
DATE: JULY 8, 2005.

P.C.

1. Clause 6.4 of the Agreement between the applicant and the respondent reads as under:-

> "Arbitration:
>
> Any and all disputes arising out of or in connection with this Agreement or its performance shall be settled by arbitration by a single Arbitrator to be appointed by the Lender. The arbitration shall be held in Mumbai in accordance with the provisions of the Arbitration and Conciliation Act, 1996."

2. The learned counsel appearing for the respondent submits that it is the obligation of the lender (respondent) to appoint an Arbitrator, and the respondent has already appointed an Arbtirator. Therefore, nothing survives in this application.

3. This application is accordingly disposed of.

CHIEF JUSTICE